HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 531 (S/S)06:

Binod Kumar Chamoli S/o Sri Vib Charan Chamoli,
Junior Engineer (Electric) Abhiyantran Anubhag,
Garhwal Mandal Vikas Nigam Ltd.
74/1 Rajpur Road, Dehradun. ---- Petitioner.

Vs.

1. Garhwal Mandal Vikas Nigam Ltd.,
   Through its Managing Director,
   74/1 Rajpur Road, District Dehradun,
2. General Manager (Administration),
   Garhwal Mandal Vikas Nigam Ltd.,
   74/1 Rajpur Road, Dehradun,
3. Vijay Narayan Uniyal S/o unknown,
   Officiating Assistant Engineer,
   Construction Division, Garhwal Mandal Vikas Nigam Ltd.
   74/1 Rajpur Road, Dehradun,
4. Ram Jattan S/o unknown,
   Officiating Assistant Engineer,
   Construction Division, Garhwal Mandal Vikas Nigam Ltd.
   74/1 Rajpur Road, Dehradun. -----Respondents.

Sri Sharad Sharma, learned counsel for the petitioner,
Sri U.K. Uniyal, learned Sr. Counsel for respondent no. 1 & 2.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Sharad Sharma, learned counsel for the petitioner and Sri U.K. Uniyal, learned Senior Counsel assisted by Sri Sobhit Saharia, learned counsel for the respondent nos. 1 & 2.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:-

1) Issue a writ, order or direction in the nature of certiorari quashing the orders dated 07.08.2004 and 25.09.2004 passed by respondent no. 1 annexed as annexure no. 4 & 5 to the writ petition respectively.

2) Issue a writ, order or direction in the nature of mandamus commanding the respondents to consider

the case of the petitioner for appointment on the post of Assistant Engineer against the existing vacancies in which the juniors to the petitioner have already been promoted as officiating Assistant Engineer.

3) Issue a writ, order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.

4) Award the cost of the petition.

3. Submission of the learned counsel for the petitioner is that he is working as Junior Engineer in the Garhwal Mandal Vikas Nigam Ltd. The juniors to the petitioner have been given officiating promotions by the respondents to the post of Assistant Engineer.

4. Contention of the petitioner is that he has already made a representation to the Managing Director, Garhwal Mandal Vikas Nigam Ltd. on 23rd August 2005, which is annexed as annexure no. 6 to the writ petition.

5. Submission of the learned counsel for the petitioner is that the respondents instead of deciding the representation, did not pay any heed to his representation for providing officiating promotion to him to the post of Assistant Engineer.

6. On the facts stated above, it will be just and proper to direct the respondent no. 1 to take decision on the representation of the petitioner dated 23rd August 2005 within a period of six weeks from the date of production of a certified copy of this order.

7. With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

April 18, 2006:
NCM: